

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

WEDNESDAY, THE 4TH JULY 2007 / 13TH ASHADHA 1929

WP(C).No. 30719 of 2006(F)

PETITIONER:

DR. NALINI, W/O.LATE ARANGIL SREEDHARAN,
PARAYIL HOUSE, CALICUT.

BY ADV. SRI.P.S.SREEDHARAN PILLAI
SMT.C.G.PREETHA

RESPONDENTS:

1. THE GENERAL MANAGER, B.S.N.L.,
KOZHIKODE DISTRICT, KOZHIKODE.
2. THE ACCOUNTS OFFICER, TR(1),
OFFICE OF THE GENERAL MANAGER, CALICUT.
3. THE DEPUTY TAHSILDAR (R.R.),
KOZHIKODE.
4. THE SECRETARY,
DEPARTMENT OF TELECOMMUNICATIONS,
MINISTRY OF COMMUNICATIONS, BSNL,
SANCHAR BHAVAN, NEW DELHI-110 011.

BY ADV. SRI.MATHEWS K.PHILIP,SC, BSNL
BY SC SRI.MAHEWS K.PHILIP

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 04/07/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

W.P.(C)30719/2006

APPENDIX

PETITIONER'S EXHIBITS:

- | | |
|-----------|---|
| EXT.P1 | TRUE COPY OF THE AWARD PASSED BY THE ARBITRATOR
DTD.11TH JUNE 2000. |
| EXT.P2 | TRUE COPY OF THE ELTTER DTD.3.12.2002. |
| EXT.P3 | TRUE COPY OF THE DEMAND NOTICE DTD.12.12.2002. |
| EXT.P4 | TRUE COPY OF THE SUMMARY RECORD. |
| EXT.P4(A) | TRUE COPY OF THE SUMMARY RECORD ISSUED FROM
THE RGIONAL CANCER CENTRE. |
| EXT.P4B | TRUE COPY OF THE SUMMARY RECORD EVIDENCING
CONSULTATION OF DR.PRAFUL DESAI OF ONCOLOGY
CLINIC, BREACH CANDY HOSPTIAL DTD.15.4.1996. |
| EXT.P5 | TRUE COPY OF THE REPRESENTATION DTD.6.11.2006. |

TRUE COPY

P.A.TO JUDGE

C.N.RAMACHANDRAN NAIR,J

W.P.(C) NO.30719 of 2006

Dated this the 4th day of July, 2007

JUDGMENT

The petitioner is the widow of late Arangil Sreedharan who was a leading politician and Member of Parliament. The husband of the petitioner had defaulted payment of telephone charges of above Rs.4 lakhs. The default is in the year 1995 and the defaulter died in the year 2001. According to the petitioner, she is a cancer patient and she is living on pension and only a small house and 12 cents of property belong to her. The petitioner contended that there is no personal liability as she was neither the subscriber nor a guarantor for the phone connection of her late husband. It is obvious that BSNL did not recover the arrears periodically. Moreover, the telephone was not disconnected even after bill remained unpaid. Hence the risk has to be borne by the company and not by the legal heir who has inherited no properties from the defaulter. In the circumstances, the writ petition is allowed directing the respondents not to proceed for attachment against the petitioner's personal assets or income. However, it is open to the respondents to trace any assets of the defaulter, if any, and proceed for recovery.

**C.N.RAMACHANDRAN NAIR,
JUDGE**



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